

**REMARKS/ARGUMENTS**

Applicants have received and carefully reviewed the Office Action of the examiner mailed August 13, 2003. Claims 1-8 and 32-43 are pending, with claims 32-43 newly presented. Reconsideration and reexamination are respectfully requested.

In paragraph 3 of the Office Action, the Examiner states a provisional double patenting rejection based on claims 1-8 of Application No. 09/818,383. However, in the Request for Filing a Divisional Application for Application No. 09/818,383, claims 1-25 were cancelled, and so claims 1-8 of that Application are no longer pending. Therefore Applicants have complied with MPEP §822 by canceling the conflicting claims from Application No. 09/818,383. Withdrawal of the double patenting rejection is respectfully requested.

In paragraph 5 of the Office Action, the Examiner rejected claims 1 and 2 under 35 U.S.C. §103(a) as being unpatentable over Pearman et al. (U.S. Patent No. 6,217,441) in view of Dosch et al. (U.S. Patent No. 5,113,854). Applicants note that Pearman et al. issued on April 17, 2001, while the present application was filed on March 27, 2001. As such, Pearman et al. would only qualify as prior art under 35 U.S.C. §102(e). In view thereof, the Examiner's rejection of claims 1 and 2 must have been made under 35 U.S.C. §102(e)/103.

35 U.S.C. § 103(c) states:

*35 U.S.C. 103. Conditions for patentability; non-obvious subject matter.*

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(c) Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

35 U.S.C. 103(c) applies to all utility, design and plant patent applications filed on or after November 29, 1999, which includes the present application. The subject matter of U.S. Patent No. 6,217,441 to Pearman et al. and the subject matter of the present

application were, at the time the invention was made, owned by or subject to an obligation of assignment to a common assignee, namely, Honeywell International Inc., of Morristown, New Jersey, U.S.A. In view of the foregoing, Pearman et al. is disqualified as prior art under 35 U.S.C. §103, and claims 1 and 2 are believed to be in condition for allowance.

In paragraph 7 of the Office Action, the Examiner rejected claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Pearman et al. in view of Dosch et al. and further in view of Mulcahy, U.S. Patent No. 4,901,715. In paragraph 8 of the Office Action, claims 5-8 were rejected under 35 U.S.C. §103(a) as being unpatentable over Pearman et al. in view of Dosch et al. and in view of the Applicants' admitted state of the art. However, in light of the above noted disqualification of Pearman et al. as a reference, withdrawal of the rejections of claims 3-8 is respectfully requested.

Applicants have added newly presented claims 32-43. Newly presented claim 32 recites a building having air supply and return ducts comprising an enclosure substantially sealed off from the air supply and return ducts, means for providing oxygen to the enclosure, and means for removing carbon dioxide from air. Claim 32 also recites that the oxygen providing means is coupled to the enclosure such that the gaseous oxygen can be added to the atmosphere within the enclosure, and the carbon dioxide removing means is coupled to the enclosure such that gaseous carbon dioxide can be removed from the atmosphere within the enclosure by the carbon dioxide removing means.

Newly presented claim 33 depends from claim 32 and recites that the oxygen providing means includes an exhaust tube having a terminal end outside of the enclosure. Newly presented claim 34 depends from claim 33 and recites that the enclosure includes a plumbing fixture having a water trap and the exhaust tube exits the room through the water trap. Newly presented claim 35 depends from claim 32 and recites that the enclosure includes a plumbing fixture having a water trap, wherein the oxygen providing means uses water from the plumbing fixture to provide oxygen.

Newly presented claim 36 recites building having air supply and return ducts comprising an enclosure substantially sealed off from the air supply and return ducts, and an air revitalizing device adapted to remove carbon dioxide from air and provide oxygen

to air, wherein the air revitalizing device is provided in a manner allowing the air revitalizing compound to selectively remove carbon dioxide from air in the enclosure and provide oxygen to air in the enclosure.

Newly presented claim 37 depends from claim 36 and recites that the air revitalizing device includes an air revitalizing compound that chemically removes carbon dioxide and generates oxygen. Newly presented claim 38 depends from claim 37 and recites that the compound includes potassium superperoxide.

Newly presented claim 39 depends from claim 36 and recites that the air revitalizing device includes an oxygen generator that electrolyzes water. Newly presented claim 40 depends from claim 39 and recites that the air revitalizing device includes an exhaust tube for discharging waste gas from the oxygen generator.

Newly presented claim 41 depends from claim 36 and recites that the enclosure includes a plumbing fixture having a water trap, and wherein the air revitalizing device includes an exhaust port that discharges exhaust through via the plumbing fixture and past the water trap. Newly presented claim 42 depends from claim 36 and recites that the air revitalization device includes a carbon dioxide filter. Newly presented claim 43 depends from claim 36 and recites that the air revitalization device includes a carbon dioxide converter that converts carbon dioxide into oxygen and carbon monoxide.

It is believed that each of the newly presented claims are in condition for allowance.

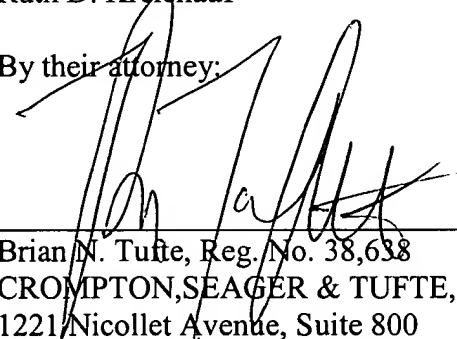
Reconsideration and reexamination are respectfully requested. It is believed that all pending claims, namely claims 1-8 and 32-43, are in condition for allowance. Issuance of a notice of allowance in due course is respectfully requested. If a telephone conference would be of assistance, please contact the undersigned attorney at 612-677-9050.

Respectfully Submitted,

Ruth D. Kreichauf

By their attorney:

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